

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session
June 3, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 4:03 p.m. on Friday, June 3, 2011, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. **Exhibit A** is the Agenda. **Exhibit B** is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises (Mo) Denis, Chair
Senator Ruben J. Kihuen, Vice Chair
Senator Valerie Wiener
Senator Sheila Leslie
Senator Barbara K. Cegavske
Senator Don Gustavson
Senator Greg Brower

GUEST LEGISLATORS PRESENT:

Assemblywoman Debbie Smith, Assembly District No. 30

STAFF MEMBERS PRESENT:

Joi Davis, Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau
Brenda J. Erdoes, Legislative Counsel, Legal Division, Legislative Counsel Bureau
Pepper Sturm, Policy Analyst
Kristin Roberts, Counsel
Billie McMenamy, Committee Secretary

OTHERS PRESENT:

Craig Hulse, Washoe County School District

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Craig Stevens, Nevada State Education Association
Caroline McIntosh, Nevada Association of School Superintendents
Joyce Haldeman, Clark County School District
Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards
Dylan Shaver, Wynn Las Vegas
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Mark Coleman, Clark County Association of School Administrators and Professional Technical Employees
Dale Erquiaga, Senior Advisor, Office of the Governor
Ray Bacon, Nevada Manufacturers Association

CHAIR DENIS:

The Committee will hear a presentation on Assembly Bill (A.B.) 222.

ASSEMBLY BILL 222 (2nd Reprint): Creates the Teachers and Leaders Council of Nevada. (BDR 34-873)

ASSEMBLYWOMAN DEBBIE SMITH (Assembly District No. 30):

The Committee has received a copy of my testimony, "Teachers and Leaders Council of Nevada AB 222" (**Exhibit C**) which I will read. The basic tenets of the bill are that the Teachers and Leaders Council (TLC) will build the four-tiered system, and 50 percent of the evaluation will be based upon student achievement data. Colorado has almost completed the process of developing this same process.

SENATOR CEGAVSKE:

I am concerned the makeup of the TLC appears to tie the hands of the Governor. Does the Governor have an alternative if he does not agree with the recommendations provided to him?

ASSEMBLYWOMAN SMITH:

There is precedent for the way these nominations are made. It is, mechanically, an efficient way to gather nominations and get the TLC in place. In areas other than education where this process is followed, the Governor can always ask for a new list, though A.B. 222 does not specifically say that. It is, however, normal practice. Section 5, subsection 1, paragraph (h), page 6 of A.B. 222, allows the appointment of those not belonging to an association.

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CHAIR DENIS:

Generally, the Governor makes appointments based on nominations received.

SENATOR WIENER:

When there is a judicial vacancy, the legal community makes recommendations to the Governor.

SENATOR CEGAVSKE:

This looks like the model for the P20 Education Council. The Education Reform Blue Ribbon Task Force discussed putting the TLC under the P20 Education Council and not having it statutory or ongoing.

ASSEMBLYWOMAN SMITH:

With the evaluation process in A.B. 222 being new, it will take some time for the TLC to be put in place and be reevaluated. Being on the TLC will be a huge time commitment.

SENATOR CEGAVSKE:

Public employees are compensated for attending TLC meetings; nonpublic employees are not compensated. The cost of the TLC is of concern to me.

ASSEMBLYWOMAN SMITH:

That was not raised as a concern in the Assembly.

SENATOR CEGAVSKE:

Could there be a rotation so every district is represented? People from the rural areas should have the opportunity to serve as trustees. When we are trying to look at governance issues and downsizing, creating another commission is a concern.

ASSEMBLYWOMAN SMITH:

The bill includes geographical diversity. There is not a sunset to A.B. 222. During the next legislative session, a sunset could be added after we have additional information.

SENATOR CEGAVSKE:

Will A.B. 222 be referred to the Senate Committee on Finance?

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ASSEMBLYWOMAN SMITH:

The fiscal note on A.B. 222 is \$32,000. There is language in the bill allowing grants and gifts.

SENATOR WIENER:

Section 5, subsection 5, page 6 of A.B. 222, discusses per diem for all members of the TLC.

ASSEMBLYWOMAN SMITH:

The TLC members will receive per diem but no other compensation. If teachers and principals accept this task, they will be granted leave with pay to participate.

CHAIR DENIS:

I would expect the State Board of Education (SBE) to look at the overall governance structure and make recommendations.

ASSEMBLYWOMAN SMITH:

The Committee has received a copy of a conceptual amendment to A.B. 222 ([Exhibit D](#)). This amendment clarifies evaluation language, as requested by the Legislative Counsel Bureau (LCB), Legal Division, in line with section 13, A.B. 229.

ASSEMBLY BILL 229 (2nd Reprint): Revises provisions governing the accountability and performance of public schools and educational personnel. (BDR 34-515)

CRAIG HULSE (Washoe County School District):

The Washoe County School District (WCSD) participated in the development of A.B. 222. The WCSD supports A.B. 222.

CRAIG STEVENS (Nevada State Education Association):

The Nevada State Education Association (NSEA) supports A.B. 222. Getting the evaluation right is the most critical part of reform. Without a good evaluation, we cannot see where to improve the education system.

CAROLINE MCINTOSH (Nevada Association of School Superintendents):

The Nevada Association of School Superintendents (NASS) supports A.B. 222.

JOYCE HALDEMAN (Clark County School District):

I had the opportunity to serve on the Education Reform Blue Ribbon Task Force and participated in Assemblywoman Smith's roundtables. The reform bills, A.B. 222, A.B. 225 and A.B. 229, work together; none of them work without the passage of all three.

ASSEMBLY BILL 225: Requires an additional probationary period for certain teachers and administrators. (BDR 34-876)

DOTTY MERRILL, Ed.D. (Executive Director, Nevada Association of School Boards):

The Nevada Association of School Boards (NASB) supports A.B. 222 and the conceptual amendment, **Exhibit D**. There are some important pieces in this bill in implementing the four tiers and using data from evaluations to focus professional development programs and extend teacher and administrator effectiveness.

DYLAN SHAVER (Wynn Las Vegas):

The Wynn Las Vegas supports A.B. 222 and the conceptual amendment.

KEITH RHEAULT, Ph.D. (Superintendent of Public Instruction, Department of Education):

The Department of Education (DoE) supports A.B. 222. We have committed staff to start the process and work with the districts. The DoE will provide the staffing support.

MARK COLEMAN (Clark County Association of School Administrators and Professional Technical Employees):

The Clark County Association of School Administrators and Professional Technical Employees supports A.B. 222.

CHAIR DENIS:

How does the Office of the Governor feel about the appointment of TLC members?

DALE ERQUIAGA (Senior Advisor, Office of the Governor):

The Office of the Governor probably would have arranged appointments to the TLC differently. We can live with the process in A.B. 222. The Governor will be able to ask for more names if those nominated are not acceptable.

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SENATOR LESLIE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 222.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND GUSTAVSON
VOTED NO.)

CHAIR DENIS:

We will open the work session with a discussion of A.B. 171.

ASSEMBLY BILL 171 (3rd Reprint): Revises provisions governing charter schools. (BDR 34-812)

PEPPER STURM (Policy Analyst):

The Committee has received a copy of my work session document (**Exhibit E**) which I will read. This measure abolishes the SBE's Subcommittee on Charter Schools. This is also contained in Senate Bill (S.B.) 212.

SENATE BILL 212: Revises provisions governing charter schools. (BDR 34-900)

SENATOR WIENER:

If we do not include a statement of intent to make A.B. 171 and S.B. 212 consistent as in the work session document, page 2, **Exhibit E**, what would happen?

MR. STURM:

The Legal Division would make them mesh. It would be easier if we included a statement of intent.

CHAIR DENIS:

We need input from parents on policy making.

SENATOR WIENER MOVED TO DO PASS A.B. 171 WITH CLARIFICATION OF THE INTENT THAT IF S.B. 212 PASSES, STAFF OF THE CHARTER SCHOOL AUTHORITY, NOT THE DEPARTMENT OF EDUCATION, WOULD ASSIST THE APPLICANT.

SENATOR GUSTAVSON SECONDED THE MOTION.

SENATOR CEGAVSKE:

Is there an interest in accepting the ACE High School's proposed amendment to section 6 and section 7 of A.B. 171, as shown in the work session document, [Exhibit E](#), page 3, relating to the makeup of the governing board?

CHAIR DENIS:

I am not in favor of the proposed amendment because it creates separate requirements for each charter school. Parents need to be a part of the process.

SENATOR CEGAVSKE:

I thought we were going to request language from the Legal Division to help the technical charter schools. I agree parents should be included in the process. How could we add a business representative member in certain types of high schools?

CHAIR DENIS:

If we do that, we remove the parent. We could add another board member. We would have to modify how we interpret each school. Adding another board member would create an even-numbered board.

SENATOR LESLIE:

There is nothing in section 6, A.B. 171, saying they cannot have a business representative on the board. We do need the parent's perspective.

SENATOR WIENER:

Are the members of the governing board voting members?

MR. STURM:

The governing body must consist of those outlined in section 6, page 14, A.B. 171. The ACE amendment included in my work session document, page 5, line 20, [Exhibit E](#), states "may consist." You could include someone from the career-technology field on line 29 or 30, page 5, [Exhibit E](#). I am not sure if there is a nonvoting piece in this bill.

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SENATOR WIENER:

You can have the specified voting members and additional nonvoting members.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

The Committee will hear S.B. 197.

SENATE BILL 197: Revises provisions governing the system of governance and oversight of public education. (BDR 34-94)

MR. STURM:

The Committee has received a copy of my work session document on S.B. 197 (Exhibit F) which I will read. The NSEA will be submitting a list of three individuals for the purpose of selecting a teacher as a voting member of the SBE.

BRENDA J. ERDOES (Legislative Counsel, Legal Division, Legislative Counsel Bureau):

The Committee has received a copy of the "Proposed Amendment 7378 to Senate Bill No. 197" (**Exhibit G**). Section 54.5, line 30, page 17, of proposed amendment 7378, **Exhibit G**, repeals a section in the distributive school account (DSA) bill. These bills are running concurrently. As soon as we get the DSA bill section number and bill number, they will be added to this section. The Regional Professional Development Program (RPDP) funding is in the DSA bill.

The numbers in the DSA bill matching subsection 1 have been reduced to take out the amounts appropriated by subsection 2, or transferred by subsection 2. When you add up the two columns under subsection 2 and the numbers that are in subsection 1, they add up to the same amount that is in the current DSA bill.

The numbers will be trued up as soon as the information is available. Section 55.5, subsection 1, page 17, proposed amendment 7378, **Exhibit G**, introduces the new Statewide Council for the Coordination of the Regional Training Programs created by *Nevada Revised Statute* (NRS) 391.516.

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Section 55.5, subsection 2, page 18, proposed amendment 7378, [Exhibit G](#), shows the transfers to Clark County School District (CCSD) and WCSD.

Section 55.5, subsection 3, page 18, proposed amendment 7378, [Exhibit G](#), provides that the RPDPs, except CCSD and WCSD, will be funded as they have been in the past. Both CCSD and WCSD will be able to purchase services from the RPDP or some other source. If they are going to purchase services from the RPDP, they must notify the RPDP according to the schedule in section 55.5, subsections 4 and 5, pages 18 and 19 of the proposed amendment 7378, [Exhibit G](#).

Subsection 6, section 55.5, page 19, proposed amendment 7378, [Exhibit G](#), provides that the remaining balance of transfers made by subsections 1 and 2 must be added to the money received by the school districts for the 2012-2013 fiscal year.

SENATOR CEGAVSKE:

Do lines 20 through 24, section 3, page 18, contradict line 29, section 4, page 18 of proposed amendment 7378, [Exhibit G](#)?

MS. ERDOES:

It is a complicated formula. The money going to the fiscal agent is the money for the administration overhead for the whole program. Only the RPDP funds are pulled out for the WCSD and the CCSD. Line 20 provides that the WCSD and the CCSD cannot buy their professional development out of the funds pursuant to subsection 1, but rather from the subsection 2 transfer, proposed amendment 7378, [Exhibit G](#).

SENATOR CEGAVSKE:

The RPDP has been working well with the cost and expertise shared among the small and large districts.

CHAIR DENIS:

The concept is to give the school districts the flexibility to decide how they want to provide teacher development.

SENATOR CEGAVSKE:

Why are we segregating the funds? When we have something that is working, why are we changing?

SENATOR BROWER:
Who is the sponsor of this amendment?

CHAIR DENIS:
This amendment came from the Majority Leader.

SENATOR BROWER:
The Majority Leader is not here to present this amendment and to tell us why he thinks it is important. The amendment is new to me; I do not have an opinion.

SENATOR LESLIE:
There was a request for some flexibility with the RPDPs.

MR. ERQUIAGA:
The Office of the Governor, with the exception of the amendments to sections 54.5, 55 and 55.5 which the Governor has not reviewed, supports S.B. 197 and the proposed amendments.

MS. MCINTOSH:
I am the chair of the Northwest Regional Professional Governance Board. We are proud of our RPDPs. We receive services from the north to the south and vice versa. The NASS needs more clarification before weighing in on S.B. 197. If CCSD and WCSD are going to have the flexibility to buy services, why would we hold them as the fiscal agent? If they had a different plan, the administrative part for the other counties would be located in their county. There are seven school districts in northeast Nevada. There are five school districts in northwest Nevada. In southern Nevada, there are five school districts. We need more information about how S.B. 197 would work.

RAY BACON (Nevada Manufacturers Association):
This is an issue which never came up during the Education Reform Blue Ribbon Task Force meetings. In the governance committee, part of the issue was to make sure there was coordination, which is why we thought the RPDPs should be under the DoE. As we implement the core standards, we wanted a consistent coordinated basis. With these changes to S.B. 197, I am not sure that coordinated effort exists. Especially in math, we have a lot of work to do in a brief time to be compliant with the core standards. I am concerned and surprised.

MS. HALDEMAN:

The CCSD is neutral about S.B. 197 and the proposed amendment. The superintendent of CCSD feels the reallocation of the funds for RPDPs and the ability to have more flexibility in purchasing professional development is appealing. Having the funds in our coffers so we can choose how to spend them is a good idea. However, the superintendent also said the CCSD would likely spend most, if not all, of the funds through the RPDP because we have a good relationship and they provide the services we need and request.

SENATOR CEGAVSKE:

Statewide, we have been able to adopt the RPDP trainers in math, science, literacy and reading. It has worked. Do we lose statewide continuity if this amendment is adopted?

MS. HALDEMAN:

The CCSD does not have a continuity issue. All of our training comes from the southern RPDP; we do not interact with other portions of the State.

SENATOR LESLIE:

Would the CCSD still receive most of its training through your RPDP?

MS. HALDEMAN:

That is what the CCSD superintendent said. The RPDPs do a great job. He also said it is appealing to be able to purchase specific services outside the RPDP.

DR. MERRILL:

The NASB hopes the proposed amendment 7378, [Exhibit G](#), does not diminish either the opportunity for outreach or for professional development, particularly as the common core standards are to be implemented. Professional development will be required to teach the standards and the accompanying assessments effectively.

MR. HULSE:

The WCSO just received the amendment. It is enticing to have flexibility. I do not know, as the fiscal agent for the \$1.1 million, if that provides any basic service for the other four counties our RPDP services: Storey County, Lyon County, Douglas County and Carson City. If the flexibility to us is \$987,000 and we are still expected to provide the services for the other

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four counties, it would be a complicated issue. I would like our fiscal staff to review the amendment.

JOI DAVIS (Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

The three fiscal agents referred to on pages 17 and 18, proposed amendment 7378, [Exhibit G](#), are in the NRS. The bill provides an administrative amount to serve as a fiscal agent and also provides for the professional development services by the RPDPs for the regions served. The direct appropriation to the WCSD and CCSD would be only for those school districts, not the other districts.

CHAIR DENIS:

This bill needs to go to the Assembly.

SENATOR LESLIE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 197.

SENATOR WIENER SECONDED THE MOTION.

SENATOR BROWER:

I will not support S.B. 197 until we and the districts know more about the amendment.

SENATOR CEGAVSKE:

I would like to support S.B. 197 but am unable to until we have more information on the amendment.

SENATOR GUSTAVSON:

I am unable to support S.B. 197 as amended.

THE MOTION CARRIED. (SENATORS BROWER, CEGAVSKE AND
GUSTAVSON VOTED NO.)

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CHAIR DENIS:

There being no public comment or further business to come before this Committee, we are adjourned at 8:18 p.m.

RESPECTFULLY SUBMITTED:

Sandra Small,
Committee Secretary

APPROVED BY:

Senator Mo Denis, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 222	C	Assemblywoman Debbie Smith	Written Testimony
A.B. 222	D	Assemblywoman Debbie Smith	Conceptual Amendment
AB. 171	E	Pepper Sturm	Work Session Document
S.B. 197	F	Pepper Sturm	Work Session Document
S.B. 197	G	Brenda Erdoes	Proposed Amendment 7378